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Environmental Marketing Claims

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Today's Presentation

- FTC Advertising Law
- FTC's Green Guides
- FTC's Review of the Guides



FTC Act

- Tell the truth
- Have substantiation



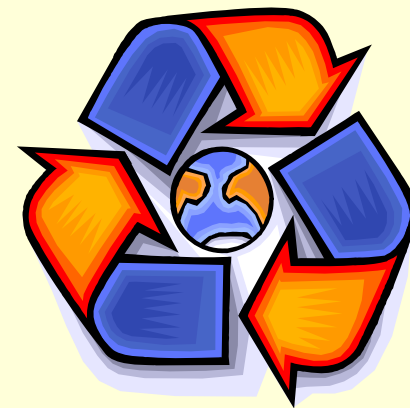
Ask:

- What claims does my ad convey to reasonable consumers?
- Do I have competent and reliable evidence to back up the claims?



FTC's Green Guides

- Apply to all forms of marketing claims
- Apply to business to consumer and business to business claims
- Don't set performance standards or eco-labels



General Guide Principles

- Consumer perception of claims controls
- Use specific claims
- Don't overstate product attributes
- Use clear & prominent qualifications



Types of Marketing Claims

- General environmental benefits
- Degradable and biodegradable
- Compostable
- Recyclable
- Recycled content



General Environmental Claims



Eco Friendly

- General claims may be confusing
- Identify specific “green” attributes



Biodegradable



Difficult for
products to
biodegrade
in a landfill



When your babies grow up...
will they still be living in diapers?



Your choice today could make the difference.

A good choice for your baby today

A better choice for your baby tomorrow

FTC Alleged - Unsubstantiated Claim



Compostable Claims



- Will the product break down in home compost piles?
- Qualify if compostable only in a municipal facility & disclose limited availability of municipal facilities



Recyclable

- Do recycling facilities exist for your product?
- Use disclosures to qualify claims



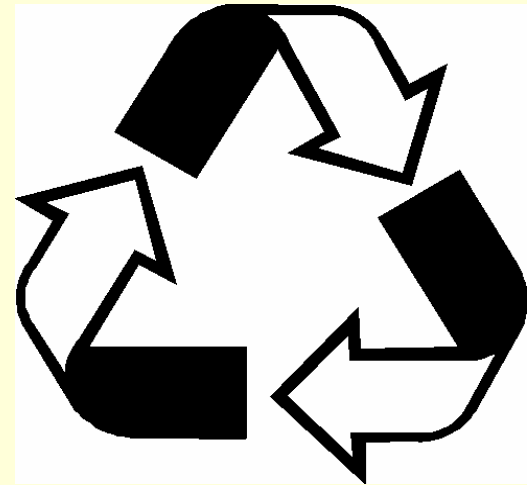
Recycled Content

- Recovered or diverted from solid waste stream
- Qualify claim if only partially made of recycled material



Symbols

- Unqualified symbol means recycled content and recyclable
- Use disclosures to qualify claim





71st Anniversary



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White Castle®

Buy 'em by the "Sack"®

**SAY NO TO DRUGS AND
YES TO LIFE**



**Recycled
Recyclable**

DON'T BE A LITTERBUG!



Seals & 3rd Party Certifications

Seals

- May imply superiority
- May need to qualify claim
- Explain basis for award

Certifications

- Independent, with expertise
- Certification does not insulate advertiser
- Avoid broad claims



**Earth Smart
Certified**



Green Guides Review

- Federal Register Notices
 - Seeking comments on the Guides & new green claims
- Public Meetings on Emerging Issues
 - Carbon Offsets and RECs
 - Green Packaging Claims
 - Green Buildings and Textiles



Carbon Offsets & RECs

- Consumer interpretation of:
 - Claims made to sell offsets or RECs
 - Claims made to sell other products (“made with renewable energy”)
- Double Counting
- Timing
- Additionality



Packaging/Textiles/Building

- Should the FTC provide guidance on:
 - Life Cycle Analysis
 - Sustainable Claims
 - Renewable Claims
 - Green Textile Claims
(e.g., “made from bamboo”)
 - Building Certifications



More Information

Green Guides
16 C.F.R. Part 260

www.ftc.gov/green

